

Express Mail Label No. EL 596 200 659 US

#7
C.S.

Practitioner's Docket No. 34703.00006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David FENNER, et al.

Application No. 09/269,518

Filed: April 2, 1999

For: Fan Rotor

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§
§
§
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§
§
§
§
§

Group No. (Unknown)

Examiner: (Unknown)

RECEIVED

06 JUL 2000

Legal Staff
International DivisionBox PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: PCT Legal Department

Dear Sir:


PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants request withdrawal of the holding of abandonment of the above-identified application based on fact that a response to the notification of Missing Requirements (Form PCT/DO/EO/905) was filed on July 1, 1999.

CERTIFICATION OF EXPRESS MAILING

I hereby certify that this Petition to Withdraw Holding of Abandonment and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 3, 2000, in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EL 596 200 659 US, addressed to the: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, Attn: PCT Legal Department.

A. M. (Andy) Arismendi, Jr.
(type or print name of person mailing paper)


Signature of person mailing paper

Express Mail Label No. EL 596 200 659 US

The application was filed April 2, 1999 by Mr. Alan Thiele of Jenkins & Gilchrist.

On **June 1, 1999**, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed from the USPTO (**copy attached as "A"**).

On **June 7, 1999**, it was received by Jenkins & Gilchrist in its Dallas office together with a Notification of Defective Oath or Declaration (Form PCT/DO/EO/917) (**copy attached as "B"**).

On **July 1, 1999**, Mr. Thiele filed a response (**copy attached as "C"**) to the notification of Missing Requirements together with the executed declaration and the completion fee. This response was filed by Express Mail. A copy of the return postcard (received by Jenkins & Gilchrist on July 19, 1999) is also included herewith as **"D"**.

On **July 27, 1999**, this case was transferred from Jenkins & Gilchrist to Mr. Arismendi for further prosecution on instructions of the client. (**Copy of the transfer letter attached as "E"**.)

On **March 27, 2000**, the Notification of Abandonment (**Copy attached as "F"**) was mailed to the Dallas office of Jenkins & Gilchrist.

On **March 30, 2000**, it was received by Jenkins & Gilchrist in Dallas.

On **June 27, 2000**, it was forwarded to Mr. Arismendi.

On **June 30, 2000**, it was received by Mr. Arismendi.

On **July 3, 2000**, Mr. Arismendi filed this Petition.

A copy of the docket report printed on July 22, 1999 (**copy attached as "G"**) reflects the filing of the response to the notice to file missing parts (i.e., notification of Missing Requirements) on July 1, 1999.

Accordingly, in view of the foregoing and the fact that a response was timely filed, Applicants respectfully request that the holding of abandonment be withdrawn.

Express Mail Label No. EL 596 200 659 US

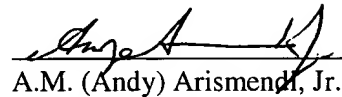
CHANGE OF CORRESPONDENCE ADDRESS

Please send all correspondence to:

A.M. (Andy) Arismendi, Jr.
Lundeen & Arsimendi, LLP
P.O. Box 131144
Houston, Texas 77219-1144

Ph: 713-652-2555
Fax: 713-652-2556

Respectfully submitted,



A.M. (Andy) Arismendi, Jr.

Reg. No. 31,715

Lundeen & Arsimendi, LLP
P.O. Box 131144
Houston, Texas 77219-1144

Ph: 713-652-2555
Fax: 713-652-2556

Date: July 3, 2000

Serial Number: 09/269,518
Inventor: Fenner, et al.
Atty. Docket No. 34703.00006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Fenner, et al.)	Group Art Unit:
)	
Application No. 09/296,518)	
)	Examiner: (unassigned)
Filed: April 2, 1999)	
)	
Title: FAN ROTOR)	
Attorney Docket No. 34703.00006)	

EL357877986US

Assistant Commissioner for Patents
BOX PCT
Washington, D.C. 20231


**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

**CERTIFICATE OF MAILING BY EXPRESS MAIL
UNDER 37 CFR 1.10**

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service, "EXPRESS MAIL" Mailing Label No. EL357877986US on the date indicated below and is addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231

Date: July 1, 1999

ALAN R. THIELE Registration No. 30,694
Attorney or Agent


Signature

Sir:

This reply is to a Notification of Missing Requirements under 35 U.S.C. 371-(PCT/DO/EO/905) mailed June 1, 1999. A copy of the Notice is enclosed.

Below is a Statement by the undersigned registered agent that the application filed in the PCT is the application which the inventor executed by signing the attached Declaration.

I. DECLARATION OR OATH

A Declaration was filed with the original application but was not executed. Enclosed is a Declaration (with original signatures) for this application.

II. SMALL ENTITY STATUS

A Verified Statement that this filing is by a small entity was filed with the original application but not executed. Enclosed is a signed Verified Statement by the assignee for this application. A copy of the Assignment is also enclosed.

III. COMPLETION FEES

Surcharge fees: Late filing of original Declaration or Oath per 37 C.F.R. §1.16(e) - \$130.00; small entity - \$65.00. Total completion fees is \$65.00.

IV. EXTENSION OF TIME

An extension of time for the filing of this completion document is not required.

V. TOTAL FEES DUE

Completion fee	\$65.00
Extension Fee (if any)	<u>\$ 0.00</u>
Total fees due	<u>\$65.00</u>

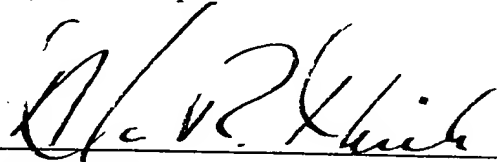
VI. PAYMENT OF FEES

Enclosed is a check in the amount of \$65.00 to cover Completion and Extension Fees.

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper during the pendency of this application to Account No. 10-0447.

Respectfully submitted,
JENKENS & GILCHRIST
A Professional Corporation



Alan R. Thiele
Reg. No. 30,694
Patent Attorney
Tele: (Voice) (210) 246-5657
(Facsimile) (210) 246-5999

July 1, 1999
Date

STATEMENT BY AGENT THAT APPLICATION FILED IN PATENT & TRADEMARK OFFICE IS THE ONE INVENTOR EXECUTED BY SIGNING DECLARATION

I hereby state that I am an agent for this application and that the application identified above is the application which the inventor executed by signing the Declaration that is being submitted herewith.

Respectfully submitted,
JENKENS & GILCHRIST
A Professional Corporation



Alan R. Thiele, Reg. No. 30,694

DOCKET NO.: 34703.00006

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

This declaration is of the following type: National Stage of PCT.

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: FAN ROTOR the specification of which:

X is attached hereto.

— was filed on _____ as PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country: Great Britain
Application No.: 9622361.5
Filed: 28 October 1996

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or PCT International application (s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or prior PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which occurred between

the filing date of the prior application and the national or PCT international filing date of this application:

PCT INTERNATIONAL APPLICATION

Application No.

Filed

PCT/GB97/02940

27 October 1997

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

JEFFERY E. BACON Reg. No. 35,055
THOMAS L. CANTRELL Reg. No. 20,849
THOMAS L. CRISMAN Reg. No. 24,846
STUART D. DWORK Reg. No. 31,103
H. MATHEWS GARLAND Reg. No. 19,129
J. KEVIN GRAY Reg. No. 37,141
STEVEN R. GREENFIELD Reg. No. 38,166
KEVIN HANSBRO Reg. No. 38,485
PAT HEPTIG Reg. No. 40,643
CRAIG A. HOERSTEN Reg. No. 38,917
JOHN R. KIRK JR. Reg. No. 24,477
PETER J. MANSO Reg. No. 32,264
ROGER L. MAXWELL Reg. No. 31,855
ROBERT A. McFALL Reg. No. 28,968
LISA H. MEYERHOFF Reg. No. 36,869
STANLEY R. MOORE Reg. No. 26,958
RICHARD J. MOURA Reg. No. 34,883
MARK V. MULLER Reg. No. 37,509
P. WESTON MUSSELMAN JR. Reg. No. 31,644
ALAN R. THIELE Reg. No. 30,694
TAMSEN VALOIR Reg. No. 41,417
RAYMOND VAN DYKE Reg. No. 34,746
BRIAN D. WALKER Reg. No. 37,751
GERALD T. WELCH Reg. No. 30,332

of the firm of **JENKENS & GILCHRIST, P.C.**, 3200 Fountain Place, 1445 Ross Avenue,
Dallas, Texas 75202-2799

and

Address all telephone calls and correspondence to:

Alan R. Thiele
Jenkins & Gilchrist, P.C.
3200 Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2799
Telephone: (210) 246-5657
Facsimile: (210) 246-5999

Atty. Docket No. 34703.00006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	David Fenner	<i>David Fenner</i>	25/5/99
	First Name	Inventor's Signature	Date
	Residence Beeches, Durley Brook Road, Durley Southampton, Hampshire, SO32 2AR UK Citizenship		
	Post Office Address As Above		
2	Christopher Lack	<i>Christopher Lack</i>	25/5/99
	Full Name	Inventor's Signature	Date
	Residence 64 Woodham Park Road, Woodham Nr. Weybridge, Surrey, KT15 3SP UK Citizenship		
	Post Office Address As Above		

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN

Docket Number (Optional)
34703-00006

Applicant, Patentee, or Identifier: David Fenner, et al.

Application or Patent No.: 09/269,518

Filed or Issued: April 2, 1999

Title: FAN ROTOR

I hereby state that I am

- ☐ the owner of the small business concern identified below.
☐ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Elta Fans Limited

ADDRESS OF SMALL BUSINESS CONCERN 15 Barnes Wallis Road, Segensworth
East Industrial Estate, Fareham, Hants PO155BT

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below.

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING David Peter Fenner

TITLE OF PERSON IF OTHER THAN OWNER Engineering Director

ADDRESS OF PERSON SIGNING Beeches, Durley Brook Road, Durley, Southampton

Hants, SO32 2AR U.K.

SIGNATURE David Peter Fenner DATE 25-5-99

Jenkens & Gilchrist

No. 121338

DATE	INVOICE	DESCRIPTION	AMOUNT
07-01-99	34703 6/THIELE	PCT FILING FEE FOR OATH OR DECLARATION	65.00
TOTAL			65.00

THIS CHECK CONTAINS A VOID FEATURE, MICRO-PRINTED SIGNATURE LINE AND AN ARTIFICIAL WATERMARK ON BACK. HOLD UNDER BLACKLIGHT TO VERIFY AUTHENTICITY

JENKENS & GILCHRIST
A PROFESSIONAL CORPORATION
1445 ROSS AVE., SUITE 3200
DALLAS, TEXAS 75202-2711

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San Angelo

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ASSISTANT COMMISSIONER FOR PATENTS

DATE 06/30/99

CHECK AMOUNT \$*****65.00

121338

88-88
1113

Robert A. Hennes

TWO SIGNATURES REQUIRED OVER \$10,000
VOID AFTER 180 DAYS

121338 1113008801 063000443211

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: David Fenner et al.
Attorney/Agent: Alan Z. Thiele
Serial No.: 09/269518 Atty. Docket No.: 34703-cccc6
Date Mailed: 7/1/99 Due: 7/1/99

- ☐ Affidavit or ☐ Declaration
☐ Application for Patent including
 pages spec., pages claims
☒ Declaration or ☒ Oath w/Power of Attorney
☐ Application for Intent-To-Use TM/SM
☐ Application for TM/SM Reg. w/specimens
☒ Certificate of Express Mail 37 CFR 1.10
 Express Mail No. EL357877986US
☐ Information Disclosure Statement
☐ PTO Form 1449, references
☐ Power of Attorney
☐ Reg. for Filing ☐ Continuation ☐ Divisional
 Application Under 37 CR 1.60
☒ Verified Statement to Establish Small Entity Status
☒ Postcard
☒ Check for \$ 65.00
- ☐ Amendment/Response To Office Action
☐ Brief, copies
☐ Assignment, check for \$
☐ Assignment Recordation Cover Sheet
☐ Power of Attorney by Assignee
☐ Certificate of Mailing Under 37 CFR 1.8(a)
☐ Declaration of Attorney
☐ Drawings: sheets
 ☐ Formal or ☐ Informal
☐ Issue Fee Transmittal
☐ Notice of Appeal
☐ Petition for Extension of Time () months
 ☐ with check for \$
☐ Priority Document
☒ Transmittal Letter
☐ Other:

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UNITED STATES POSTAL SERVICE™



* EL357877986US *

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Time In <u>3:41</u> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials
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TO: (PLEASE PRINT) ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231	

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INTELLECTUAL PROPERTY

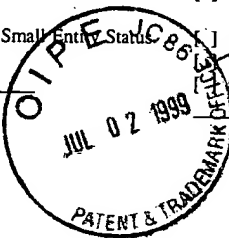
JUL 19 1999

JENKENS & GILCHRIST

THE STAMP OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF:

Applicant: David Fenner, et al.Attorney/Agent: Alan Z. ThieleSerial No.: 09/269,518Atty. Docket No.: 34703-00006Date Mailed: 7/1/99Due: 7/1/99

- ☐ Affidavit or ☐ Declaration
☐ Application for Patent including:
 _____ pages spec., _____ pages claims
☒ Declaration or ☒ Oath w/Power of Attorney
☐ Application for Intent-To-Use TM/SM
☐ Application for TM/SM Reg. w/specimens
☒ Certificate of Express Mail 37 CFR 1.10
 Express Mail No. EL35737798605
☐ Information Disclosure Statement
☐ PTO Form 1449, _____ references
☐ Power of Attorney
☐ Reg. for Filing ☐ Continuation ☐ Divisional
 Application Under 37 CR 1.60
☒ Verified Statement to Establish Small Entity Status
☒ Postcard
☒ Check for \$ 65.00
- ☐ Amendment/Response To Office Action
☐ Brief, _____ copies
☐ Assignment, check for \$ _____
☐ Assignment Recordation Cover Sheet
☐ Power of Attorney by Assignee
☐ Certificate of Mailing Under 37 CFR 1.8(a)
☐ Declaration of Attorney
☐ Drawings: _____ sheets
 ☐ Formal or ☐ Informal
☐ Issue Fee Transmittal
☐ Notice of Appeal
☐ Petition for Extension of Time (____) months
 ☐ with check for \$ _____
☐ Priority Document
☐ Transmittal Letter
☐ Other: _____



* DOCKETED
 Int: K11 DT: 7-21-99

Action Complete Date: 7-2
Small Entity
Missing Parts

Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

1800 FROST BANK TOWER
100 WEST HOUSTON STREET
SAN ANTONIO, TEXAS 78205

(210) 246-5000
TELECOPIER (210) 246-5999

WWW.JENKENS.COM

WRITER'S DIRECT DIAL NUMBER
(210) 246-5389

AUSTIN, TEXAS
(512) 499-3800
DALLAS, TEXAS
(214) 855-4500
HOUSTON, TEXAS
(713) 951-3300
LOS ANGELES, CALIFORNIA
(310) 820-8800
WASHINGTON, D.C.
(202) 326-1500
Affiliate Office
CHICAGO, ILLINOIS
(312) 425-3900

July 27, 1999

VIA LONE STAR OVERNIGHT

Mr. Andy M. Arismendi, Jr.
Sroufe, Payne, Lundeen & D'Ambrosio, LLP
1700 West Loop Street
Suite 1230
Houston, Texas 77027

Re: Transfer of Withers & Rogers Files

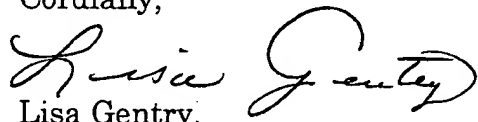
Dear Mr. Arismendi:

Enclosed, in accordance with Withers & Rogers request dated July 15, 1999, are the patent files which are listed as follows:

J&G REF. No.	DESCRIPTION	STATUS
34703-00002	PCT No. PCT/GB96/01965; U.S. Serial No. 09/011434 Filed: 02/10/97 Title: <i>Fluid Impeller</i>	Waiting for Notice to File Missing Parts
34703-00006	PCT No. PCT/GB97/02940; U.S. Serial No.: 09/269518 Filed: 04/02/99 Title: <i>Fan Rotor</i>	IDS is now due; Waiting for Notice to File Missing Parts

Along with the files, I have attached an Acknowledgment of Receipt. Please sign and return the Acknowledgment of Receipt at your earliest convenience.

Cordially,



Lisa Gentry,
Legal Secretary to Alan R. Thiele

Patent Record Summary Sheet

Created : 03/17/1999 Last Updt : 07/21/1999 By : KKH

As Of : 07-22-1999 11:57:53 Printed : 07-22-1999

Docket # : 34703-00006USPX	Country : US
Case Type : Regular	
Relationship : Original Filing	Status : 200/300 - Filed
Filing Type : National	Sub-Status : 210/310 - Filed Application
Filing # :	SubStat Dt : 04/02/1999
Convention :	

Client : WAR - Withers & Rogers
Owner : INVT - INVENTORS/APPLICANTS
Group :
Agent :
Agt Ref # :
Dev. Atty : ART Assignment :
Resp. Atty : ART Claims : 20
Work. Atty : ART Paralegal :
Expires :
Next Tax :
Tax Base :

Parent Ctry : WO 1st Filed : 10/28/1996
Parent # : PCT/GB97/02940 Parent Dt : 10/27/1997
Application # : 09/269518 Filed Dt : 04/02/1999
Patent # : Grant Dt :
Publication # : Pub Dt :

Title : FAN ROTOR

Pending Actions :

Action Due	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
Info:Disc: Statement Due	07/02/1999			
STATUS-FILING RECEIPT?	10/02/1999			
STATUS-REJECTION RESPONSE?	10/02/2000			

Taken Actions (awaiting confirmation) :

Action	Taken	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
SMALL ENTITY STATUS	07/01/1999				

Completed Actions :

Action	Completed	Taken	Due Date	IP Clerk 1	IP Clerk 2	Action Notes
Notice of Missing Parts Filed	07/02/1999	07/01/1999	07/01/1999			
Notice of Missing Parts Mail Date	06/01/1999		06/01/1999			
NATIONAL APPLICATION HAS BEEN	04/02/1999	04/02/1999	04/03/1999			
Preliminary Amendment	04/02/1999	04/02/1999				
No Foreign Filing	10/28/1996					

Us r Text :

Other Code : Other # :

Inventors : Fenner, David

09/269518



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/269,518	FENNER	D 34703-00006

ALAN R THIELE
 JENKENS & GILCHRIST
 3200 FOUNTAIN PLACE
 1445 ROSS AVENUE
 DALLAS TX 75202

5611
 INTELLECTUAL PROPERTY
 JUN 07 1999
 JENKENS & GILCHRIST

INTERNATIONAL APPLICATION NO.	
PCT/GB97/02940	
I.A. FILING DATE	PRIORITY DATE
10/27/97	10/03/96
06/01/99	

DATE MAILED:

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Telephone: (703) 305-3686



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/269,518	FENNER	D 34703-00006
INTERNATIONAL APPLICATION NO.		

ALAN R THIELE
JENKENS & GILCHRIST
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DALLAS TX 75202

5611

PCT/GB97/02940

I.A. FILING DATE	PRIORITY DATE
10/27/97	10/03/96

DATE MAILED: 06/01/99

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 02 Apr 1999 and

☐ Information Disclosure Statement(s) filed

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☒ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3686

INTELLECTUAL PROPERTY

JUN 07 1999

JENKENS & GILCHRIST

* DOCKETED

Int. 11/1 DT: 6-2-99

Action complete Date: 6-1

Missing Parts due 7-1-99



Address: COMMISSIONER OF PATENTS AND TRADEMARKS
BOX PCT
Washington, D.C. 20231

US APPLICATION NO. 918

FENNER NAMED APPLICANT

ATTY. DOCKET NO. 00016

ALAN R THIELE

5071

INTERNATIONAL APPLICATION NO. 940

JENKENS & GILCHRIST
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DALLAS TX 75202

INTELLECTUAL PROPERTY

MAR 30 2000

LA. FILING DATE 7/97 PRIORITY DATE 3/96

JENKENS & GILCHRIST

03/27/00

DATE MAILED:

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

1. ☐ Applicant's letter of express abandonment received _____ is in compliance with 37 CFR 1.138 and is hereby acknowledged.
2. ☐ Applicant has failed to provide the full U. S. Basic National Fee by ☐ 20 months (37 CFR 1.494 (b)(2)), ☐ 30 months (37 CFR 1.495 (b)(2)).
3. ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 01 JUNE 1999 within the time period set therein.
4. ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5. ☐ Other:

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Law and Order
National Stage Processing
(703) 308-3888

Telephone: (703)